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Attorneys for Plaintiff
FACEBOOK, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FACEBOOK, INC.,

Plaintiffs,

V.

POWER VENTURES, INC. a Cayman Island Corporation; STEVE VACHANI, an individual; DOE 1, d/b/a POWER.COM, DOES 2-25, inclusive.

Defendants.

Case No. 5:08-cv-05780 JW

**DECLARATION OF MORVARID
METANAT IN SUPPORT OF
FACEBOOK INC.'S MOTION FOR
ADMINISTRATIVE RELIEF TO
FILE UNDER SEAL, PURSUANT TO
CIVIL LOCAL RULE 79-5(B), THE
DECLARATIONS OF RYAN
MCGEEHAN AND JOSEPH
CUTLER, AND PORTIONS OF
FACEBOOK'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Dept: Courtroom 9, 19th Floor
Judge: Hon. James Ware

1 I, Morvarid Metanat, declare:

2 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP and
3 counsel for Plaintiff Facebook, Inc., I make this declaration in support of Facebook's
4 Administrative Motion, pursuant to Civil Local Rule 79-5(b), to file: 1) the entire November 13,
5 2011 Declaration of Ryan McGeehan in Support of Facebook's Motion for Partial Summary
6 Judgment on Count 1 of the CAN-SPAM Act ("McGeehan Declaration"), and Exhibits 2-4
7 thereto; 2) portions of the Declaration of Joseph Cutler in Support of Facebook's Motion for
8 Partial Summary Judgment on Count 1 of the CAN-SPAM Act ("Cutler Declaration") and
9 portions of Exhibit C attached thereto; and 3) the portions of Facebook's Motion for Partial
10 Summary Judgment on Count 1 of the CAN-SPAM Act referencing the McGeehan and Cutler
11 Declarations. I make this Declaration based on facts made known to me, unless otherwise stated.

12 2. The McGeehan Declaration and the Cutler Declaration have been designated as
13 "HIGHLY-CONFIDENTIAL-ATTORNEY' EYES ONLY" pursuant to the Parties' Protective
14 Order, dated February 4, 2011 (Dkt. No. 95).

15 3. Facebook seeks to seal the McGeehan Declaration because it contains Facebook's
16 confidential and proprietary business information. Specifically, the McGeehan Declaration
17 discusses Facebook's internal infrastructure in responding to attacks on Facebook's systems and
18 servers, including the technical measures implemented by Facebook to prevent such attacks. This
19 information is highly sensitive and Facebook may suffer irreparable harm if this information is
20 not protected from disclosure through public filing. Specifically, public disclosure of Facebook's
21 technical measures implemented to prevent attacks on Facebook would enable third parties to
22 circumvent such measures, putting Facebook at significant risk for future, pervasive attacks. For
23 these reasons, Facebook respectfully requests that the McGeehan Declaration be sealed from the
24 public record.

25 4. Facebook also seeks to seal portions of the Cutler Declaration, specifically
26 Paragraphs 3-6, 10, 12 and Exhibits B and C attached thereto. Like Mr. McGeehan, Mr. Cutler
27 discusses Facebook's confidential and proprietary business information, including specific details
28 related to the investigation the Perkins firm performed for Facebook, how Facebook responded to

1 Defendants' spam attacks, and Perkins' legal fees. Public disclosure of Facebook's technical
2 measures implemented to prevent attacks on Facebook would enable third parties to circumvent
3 such measures, putting Facebook at significant risk for future, pervasive attacks. In addition, both
4 Facebook and Perkins have a business desire to maintain the confidentiality of the legal fees
5 Facebook incurred, as such information is commercially sensitive. For these reasons, Facebook
6 respectfully requests that portions of Paragraphs 10, 12, 15 of, as well as Exhibit C to, the Cutler
7 Declaration be sealed from the public record.

8 5. To the extent Facebook, in its moving papers, quotes from or derives information
9 from either the McGeehan and Cutler Declarations, for the foregoing reasons, it also respectfully
10 requests that those portions of Facebook's Motion for Partial Summary Judgment on Count 1 of
11 the CAN-SPAM Act be sealed.

12 I declare under penalty of perjury under the laws of the United States that the foregoing is
13 true and correct.

14 Executed this 14th day of November, 2011 at Menlo Park, California.

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16 _____ /s/ Morvarid Metanat
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